

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	8:09CR66
)	
VICTOR TAMAYO and)	ORDER
BONFILIO AVILES,)	
)	
Defendant.)	

This matter is before the court on the motion of Victor Tamayo to amend the case progression order (Doc. [47](#)). For cause shown, the court finds that the motion should be granted.

IT IS ORDERED that the motion (Doc. [47](#)) is granted, as follows:

1. The United States is given an extension of time to **April 30, 2009** to provide discovery pursuant to Fed. R. Crim. P. 16.
2. The deadline for filing pretrial motions is extended to **May 15, 2009** as to all defendants.
3. In accordance with 18 U.S.C. § 3161(h)(8)(A), the court finds that the ends of justice will be served by granting this motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **today's date and May 15, 2009**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).
4. The jury trial now set for Tuesday, May 26, 2009 is cancelled and will be rescheduled after May 15, 2009 or after the resolution of any pretrial motions.
5. The movant, Victor Tamayo, shall file an affidavit or declaration regarding speedy trial, as required by NECrimR 12.1 and/or 12.3, as soon as is practicable.

DATED April 24, 2009.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge